

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05CV110-3-MU

STEPHEN SINGS,

Petitioner,

v.

REGGIE WEISNER, Supt.,

Respondent.

**ORDER**

**THIS MATTER** is before the Court on its own motion. Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 on March 14, 2005. For the reasons stated herein, the Petitioner's Motion to Vacate will be dismissed.

In reviewing the record, the Court notes that on March 24, 2005 this Court issued an Order directing Petitioner to file a document explaining why his Petition for a Writ of Habeas Corpus should be construed as timely filed. In particular, the Court directed Petitioner to advise the Court of the date on which he filed his Motion for Appropriate Relief in the Superior Court of Mecklenberg County. Four days after the Court's Order was filed, Petitioner notified the Court that his address had changed. On June 15, 2005 the Court sent its March 28, 2005 Order again to Petitioner at the new address he provided to the Court on April 1, 2005. The March 28, 2005 Order gave the Petitioner twenty (20) days to address the timeliness of his Petition. When the order was re-sent to Petitioner he was given an additional twenty (20) days to supplement his Petition with respect to whether it was timely filed. Petitioner has failed to respond to the Court's March 28, 2005 Order or otherwise communicate with the Court since filing his change

of address on April 1, 2005.

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA”) provides that Petitions such as the instant one be filed within the one year period after the underlying conviction and/or sentence has become final. Here, the Petitioner’s case likely would have become final in or about November 2002. It is the Petitioner’s burden to establish that his Petition is timely pursuant to the AEDPA and he has failed to do so.

**THEREFORE, IT IS HEREBY ORDERED** that Petitioner’s Petition for a Writ of Habeas Corpus is **DISMISSED**.

**Signed: September 2, 2005**

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

